

**REDACTED—FOR PUBLIC INSPECTION**

March 19, 2015

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Mr. Sanford Williams  
Competition Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-C217  
Washington, DC 20554

Re: *Telephone Number Portability, et al.*, CC Docket No. 95-116, WC Docket No. 09-109

Dear Ms. Dortch and Mr. Williams:

Enclosed is an Ex Parte letter of Telcordia Technologies, Inc., d/b/a iconectiv, which contains Highly Confidential information protected by the *Revised Protective Order* in this proceeding.<sup>1</sup>

As required by paragraph 15 of the *Revised Protective Order*, we submit: (a) one copy of this Ex Parte letter containing Highly Confidential Information to the Secretary's Office along with this cover letter, (b) two copies of this Ex Parte letter in redacted form to the Secretary's Office along with a cover letter; and (c) two copies of this Ex Parte letter

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<sup>1</sup> *Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC's Interim Role in Number Portability Administration Contract, Telephone Number Portability*, WC Docket No. 09-109, CC Docket No. 95-116, Revised Protective Order, DA 14-881, 29 FCC Rcd. 7592 (Wireline Comp. Bur. rel. June 25, 2014).

Ms. Marlene Dortch and Mr. Sanford Williams

March 19, 2015

Page 2 of 2

containing Highly Confidential Information to Sanford Williams along with this cover letter. We will also file a copy of the redacted version via ECFS.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata", is written over a light gray rectangular background.

John T. Nakahata  
*Counsel for Telcordia Technologies,  
Inc., d/b/a/ iconectiv*

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March 19, 2015

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, NW  
Washington, DC 20554

Re: *Telephone Number Portability, et al.*, CC Docket No. 95-116, WC Docket Nos.  
07-149 & 09-109

Dear Ms. Dortch:

Telcordia Technologies, Inc. d/b/a iconectiv (“Telcordia”) hereby responds to the recent paper filed by Michael Calabrese and J. Armand Musey<sup>1</sup> and to the associated *ex partes*. The paper adds nothing to the discussion and shows no sign of independent investigation or evaluation of the interests of consumers. Rather, Calabrese and Musey have produced a paper that merely cherry-picks the comments that most favor the arguments advanced by Neustar—the entity that paid for their work.<sup>2</sup>

Had they chosen to sign the protective order, Messrs. Calabrese and Musey could have viewed both vendors’ bids, as well as the extensive record compiled by the North American Numbering Council (“NANC”) and the North American Portability Management LLC (“NAPM”). They would also have been able to see for themselves the extent to which Neustar has been overcharging the telecommunications industry and consumers, year after year. But they did not do so.

Ironically, Calabrese and Musey blame their failure to conduct due diligence on the FCC, claiming that their attempts to analyze Telcordia’s and Neustar’s bids were “hampered by the lack of publicly available information”<sup>3</sup> and complaining that it was “impossible to conduct a

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<sup>1</sup> J. Armand Musey and Michael Calabrese, *A Public Interest Perspective on Local Number Portability; Consumers, Competition and Other Risks*, WC Docket Nos. 07-149 & 09-109, CC Docket No. 95-116, GN Docket No. 13-5 (filed Mar. 9, 2015) (“Musey-Calabrese Report”).

<sup>2</sup> *Id.* at n.1.

<sup>3</sup> *Id.* at 9.

side-by-side comparison of the two RFP responses.”<sup>4</sup> Not so. As an attorney (or even a non-attorney subject matter expert) employed by the New American Foundation, Mr. Calabrese presumably qualified as Outside Counsel under the Revised Protective Order in this proceeding, which defined that term so broadly as to include “[i]n-house counsel and subject matter experts at non-profit public interest groups, provided that such attorney is not involved in Competitive Decision-Making.”<sup>5</sup> Similarly, Mr. Musey presumably could have qualified as an Outside Consultant—either to Mr. Calabrese or to Neustar. They could have had access to the Confidential and Highly Confidential information, but they simply chose not to use it.

No one questions that local number portability is an essential element of telecommunications competition and that the system for determining the proper carrier to which to route calls to ported numbers has to work well. But it is simply antiquated and contrary to reality to portray this as an issue of “small” versus “large” carriers, as Calabrese and Musey attempt to do. The North American Numbering Council (“NANC”), its Selection Working Group (“SWG”), and the North American Portability Management, LLC’s (“NAPM”) Future of the Number Portability Administration Center (“FoNPAC”) committee all were comprised of providers that compete fiercely and port numbers daily. And they cut across a broad swath of the telecommunications industry—including ILECs, wireless carriers, CLECs, and interconnected VoIP providers. CenturyLink, Comcast, Cox, Bandwidth.com, Level 3, XO, Vonage, Sprint, T-Mobile, AT&T and Verizon—all NANC members—have no reason to acquiesce to an LNPA selection that would favor one or a few of them over others, as Calabrese and Musey appear to ask the Commission to believe.

Calabrese’s and Musey’s allegation that Telcordia could discriminate against small providers is refuted by the record. Although Calabrese and Musey concede that Telcordia could not engage in pricing that directly harms small carriers and could not port more slowly for smaller carriers, they nevertheless speculate that Telcordia might choose not to provide “the value added services smaller carriers need the most” and might offer stripped-down help desk support.<sup>6</sup> In the first instance, however, most small providers do not interact directly with the LNPA, but do so through a service bureau or, particularly for VoIP providers, through a larger CLEC numbering partner. These service bureaus and larger CLEC numbering partners interact with the LNPA in the same way as all other larger providers, and they provide assistance to their customers. For those small entities that do interact directly with the LNPA, they can do so through a simple, web-based Graphical User Interface (“GUI”)—which service bureaus and even some larger carriers also use.

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<sup>4</sup> *Id.* at 10.

<sup>5</sup> *Petition of Telcordia Technologies, Inc., to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC’s Interim Role in Number Portability Administration Contract Telephone Number Portability, Revised Protective Order, DA 14-881, 29 FCC Rcd. 7592, 7954 (2014).*

<sup>6</sup> Musey-Calabrese Report at 16.

But beyond these facts about how small providers actually interact with the LNPA, if Calabrese and Muse had examined Telcordia's bid, however, they would have known that there speculation was groundless. Indeed, if they had even read the comments filed publically in this proceeding, they would have realized that this concern is unfounded. As Telcordia explained in October, it will provide "all the functionalities of the existing NPAC":

Telcordia will provide an NPAC that provides all the functionalities of the existing NPAC, as well as the enhancements that Telcordia proposed in its offer, not a stripped down NPAC. Telcordia's bid contemplates such a fully featured NPAC, and both the telecommunications industry and law enforcement constituents will require no less. Of course, where Telcordia can offer better service than Neustar has done, it will do so.<sup>7</sup>

In particular, Calabrese and Musey speculate that Telcordia might not offer mass porting functionality. Again, however if they had read Telcordia's bid, the publically available Request for Proposal issued by the NAPM, or Telcordia's public filings in this proceeding, they would know that the RFP specifically required bidders to explain how they would offer mass porting,<sup>8</sup> and Telcordia has publically confirmed that "[w]ith regard to the specific features that Neustar has previously mentioned (mass update/mass port, disaster recovery/emergency preparedness, and ecosystem monitoring), Telcordia's bid documents indicate that it will provide those features just as the current NPAC does."<sup>9</sup>

Turning to the issue of transition costs, Calabrese's and Musey's primary argument—that small and medium carriers might be harmed by a transition—is based on the false premise that "the current LNPA selection process has not considered the implications of LNPA transition cost" on these carriers.<sup>10</sup> If Calabrese and Musey had taken even a glance at the record, however, they would have seen that **\*\*BEGIN HIGHLY CONFIDENTIAL\*\*** [REDACTED]

[REDACTED] **\*\*END HIGHLY CONFIDENTIAL\*\*** Moreover, for all parties that interact with the NPAC, the procurement documents require the fields and

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<sup>7</sup> Letter from John T. Nakahata, Counsel for Telcordia Technologies, Inc., d/b/a iconectiv, to Marlene H. Dortch, Secretary, FCC, at 1, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109 (filed Oct. 27, 2014) ("Telcordia Oct. 17, 2014 Letter").

<sup>8</sup> Opposition of Telcordia Technologies, Inc. d/b/a/ iconectiv to Neustar's Petition for a Declaratory Ruling at 26-27, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109 (filed Feb. 24, 2015).

<sup>9</sup> Telcordia Oct. 17, 2014 Letter at 3.

<sup>10</sup> Musey-Calabrese Report at 16.

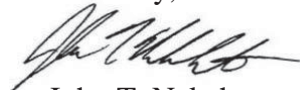
<sup>11</sup> See, e.g., Transcript of the March 26, 2014 Meeting of the North American Numbering Council at 151:5-8, 163:3-166:4; 156:13-17, 160:16-20, CC Docket No. 95-116, WC Docket No. 09-109 (filed Mar. 3, 2015).

specifications for that interaction must remain exactly the same. For all carriers, small or large, there should be no material change in the way they interact with the NPAC. In any event, as Telcordia has previously explained, transition costs are likely to fall mainly on larger providers who connect to the NPAC directly rather than on smaller carriers, who generally interact with the NPAC through “service bureaus” or through a web-based application rather than connecting directly. If the testing proceeds as has occurred in the past, the gateway providers and larger providers and service bureaus will test first, bearing the vast majority of testing costs. Smaller providers will of course be permitted to test as well, but it is much more likely that any issues will have been addressed by the time that they test.

In addition to rehashing factual inaccuracies propagated by Neustar, Calabrese and Musey parrot Neustar’s argument that the Commission should delay the LNPA selection while the Commission addresses issues that are wholly independent from the selection. This makes no sense. For example, while Calabrese and Musey complain that regional carriers are unable to port numbers from areas that they do not serve, this has nothing to do with the identity of the LNPA: the rules promulgated by the Commission do not permit non-geographic number portability, as distinguished from service provider portability, which occurs within the defined geographic regions. Similarly, as Telcordia has repeatedly stated already, the questions of how to handle the IP transition has nothing to do with the identity of the LNPA. To the extent a provider uses populates authorized fields in the NPAC today with ENUM data, those authorized uses do not change, and cannot be changed unilaterally by the LNPA—no matter who the LNPA is. Whether and how the NPAC will be used to support ENUM going forward is a matter of ongoing discussion within the industry and at the FCC, and the RFP appropriately requires the LNPA to administer whatever decisions are made with respect to ENUM and the IP transition. This is the appropriate way to address the IP transition and ENUM. A delay to await an industry consensus that may never arrive would simply continue to allow Neustar to overcharge the industry and consumers.

It is notable that Calabrese and Musey attempt to catalog asserted (but unsubstantiated) costs of transitioning away from the current incumbent as a result of competitive bidding, without ever acknowledging the benefits of competition. Competition puts all providers—the incumbent and its challengers—to the test. But to have competition, the incumbent has to be able to lose when it fails to deliver the best bid. The record shows that the incumbent dramatically failed to provide the best bid—and that the challenger provided the superior offer. It is time to honor the results of competition, and to move on to contract negotiation and implementation.

Sincerely,



John T. Nakahata  
Mark D. Davis

*Counsel for Telcordia Technologies, Inc.,  
d/b/a iconectiv*

cc:

Ruth Milkman  
Daniel Alvarez  
Priscilla Argeris  
Rebekah Goodheart  
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